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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 4118 of 2007

PETITIONER : Manik Das S/o. Umendi, Caste Manikpuri, aged about – 60 years, R/o. Village Chhatauna, Tahsil and District – Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh Through:- Secretary Department of Water Resources D.K.S. Bhawan, Raipur, Distt. – Raipur (C.G.)

2. Executive Engineer Hasdeo Nahar Jal Prabandhan Division, Distt. – Janjgir-Champa (C.G.)

3. Sub Divisional Officer, Hasdeo Upsambhag No. 7, Nariyara, Distt. – Janjgir-Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri C.R.Sahu, Advocate for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State/respondents.

ORDER

(Passed on 16th day of July, 2007)

1. According to the learned counsel appearing for the petitioner, the petitioner was engaged on Daily Wages as Chowkidar in the Water Resources Department under Sub Divisional Officer, Janjgir-Champa.

2. By this petition, the petitioner seeks for a relief that the respondents be directed to permit the petitioner to continue in service till he attains the age of 62 years. The petitioner impugns the order dated 25.6.2007 (Annexure P/1) whereby his services shall be discontinued w.e.f 31.7.2007 on attaining the age of 60 years.

3. It is trite that a daily wager appointed dehors the constitutional scheme of employment has no right to the post and as such he has no right to continue in service. Even otherwise, since the petitioner has no right to the post, there is no question of having any age of retirement. The

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petitioner was engaged till he attained the age of 60 years. There is no merit in this petition and a writ cannot be issued to the respondents to continue the petitioner till he attains the age of 62 years when the petitioner has no right to the post.

4. In view of the foregoing, this petition is dismissed, summarily.

Sd/-
Satish K.Agnihotri
Judge

Amit